App. F. IX-4

Reserve

1935 (CS)

CS File No. 19-35

Serial Nos. 26

Previous References

PP 60-31-1

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial No. 26

Part B for July, 1936

SUBJECT.

Circular issued by the Chamber of Princes asking for information Re: the breaches of the Nyasa Treaty in respect of Restrictions on the Manufacture and export of Salt by the State and Refusal of Civil & Criminal Jurisdiction over State Subjects in Cantonment areas.

WD 03607—GPB—22,500—2-8-35

Filed

2297-P-38

General & Revenue Secretariat. | File No. | of 193 . | [App. F. III–2

Serial No.

D.O. letter No 1005 S dt 19-5-36 from the Private Secy to H.E. Commander for the order of Govt a circular from the Chamber of Princes asking for instances, if any, of breaches of Mysore Treaty rights in respect of restrictions on the manufacture & export of salt by the State & refusal of civil & criminal jurisdiction over State subjects in Cantonment areas.

1) Subo with reference

K.M.R
28/5/36

2) Reference is invited to the correspondence of 1918 in the printed Collection just up re: Violation of Treaty rights. This State have not cited any instances of violation of Treaty in regard to —

(i) Manufacture of Salt

(ii) Civil & criminal jurisdiction over State subjects in Cantonment areas.

3) [illegible]

4) [illegible]

5) [illegible]

NOTE—Contn. Sheet.

MCBR

Bot Br

28/5/36

Under Sec

It is submitted that no instances of Violation of Treaty in regard to the Civil and Criminal Jurisdiction over Nepal State Subjects in CTM Station area appear to have been come to the notice of Govt.

(Govt 3/6) 8) Subd with reference para 6 of notes.

1) Art 17 of the Treaty places limitations on the manufacture & export of salt. There appear to have been no cases of restrictions contrary to the Treaty in regard to this matter.

2) The second matter is that Durbar should be permitted to exercise civil & criminal jurisdiction over State Subjects & other Durbar rights in Cantonment areas. So far as the Cossya area is concerned, civil & criminal jurisdiction has been ceded & this would include jurisdiction over State subjects also. In part in the exercise of jurisdiction in either area, no distinction is made between State Subjects or British Indian subjects — the only distinction made being in regard to European British Subjects]. It is not clear what is meant by Durbar rights in Cantonment areas. However there do not seem to have arisen any instances of breaches of Treaty or agreement in respect of these rights.

A reply may be sent that there have been no instances of breach of treaty or agreement in respect of the

CB 1747 2271

General & Revenue Secretariat. | File No. of 193 . | [App. F. III–2

Serial No.

DEWAN'S OFFICE
8 JULY 1936
No. 28

OFFICE OF THE SECOND MEMBER OF COUNCIL.
3 JULY 1936
No. 39

two matters referred to in the letter
Chief Secretary) C 2/7/36

Replies in the following terms will be sent if approved: —

"(1) There has been no instance of breach of Art 17 of the Treaty. (extract of Art. 17 enclosed)

(2) There is no cantonement area as such in this State. The C.T.M. Station Bangalore is an area ~~over~~ which His Highness ~~has ceded jurisdiction in favour of the Govt~~ has assigned "free of charge to the exclusive management of the British Govt" under Art 8 of the Treaty and ~~in~~ which "His Highness has renounced the exercise of all jurisdiction". ~~by~~ [extract of Art 8 enclosed]. There ~~is~~ has been no instance of breach of Art 8 of the Treaty."

2nd Member / Dewan) Bm 3-7-36

C 3/7/36

Nee 3/7/36.

SOM 6/7.

Bm 7-7-36

C 7/7

Please put up draft. SS 8-7-36

Draft placed for orders as to whether this may be issued here, as routine &c. Bm 8/7.

Dewan) Dom 8/7 CPOR

NOTE—Contn. Sheet.

Flag G, & G2

1 S'y 6.7.

Verify Mr

Cas 1947

File No. of 193 .

General and Revenue Secretariat

As this is only a Genl Circular, this papers may if appropriate be recorded without sending a reply. If any remarks or specific request is rec'd, the papers will be resubm'd for orders.

Dewan) 11-7-36

DEWAN'S OFFICE
1936
No. 97

12/7

B. Rea

What has been received is a general Circular addressed to all States, and such circulars are in several cases filed without a reply where we have nothing to urge (Vide Instance 7 C.).

It is for orders if these papers may be kept by, unless any reminder is received.

Submd
CJA
11/7/36.

Cs 1747

"Awdry House", Fern Hill,
Nilgiris, 19th May 1936.

C 1006
Encl.

CS 19-25-26

Dear Mr. Ramanathan,

I forward herewith for favour of orders of Government a circular from the Chancellor of the Chamber of Princes asking that instances may be collected, if there are any, of breaches of the Mysore treaty in respect of restrictions on the manufacture and export of salt by the State and refusal of civil and criminal jurisdiction over State subjects in cantonment areas.

Yours sincerely,

SNK

Circular No. 10.

Council House,
New Delhi.
The 11th May, 1936.

Your Highness,

Your Highness will remember that in pursuance of the recommendations made in the Montagu-Chelmsford Report, the Conference of Ruling Princes and Chiefs by a Resolution passed at its meeting held in January 1919, appointed a permanent committee of Princes to have periodical sittings with the officers of the Imperial Government from the Political and Legislative Departments in order that the relations of the Rulers of States with the Government of India should, with their previous consent, be examined, not necessarily with a view to any change of policy but in order to simplify, standardise and codify the existing procedure for the future. Consequently, the Government of India invited the States to furnish concrete instances on the subject of encroachment of political practice on the dignity and prerogatives of the States. The representations received from the governments of States were classified by the Government of India, in the Foreign & Political Department, into "23 points" to serve as a basis of discussion for the committee. Some of these points have since been disposed of by the issue of Resolutions by the Government of India; but others are still pending consideration in the Political Department. To the latter category belong the following 2 points:-

1. That Government unwarrantably restricts the manufacture and export of salt by Darbars.

2. That Darbars should be permitted to exercise civil and criminal jurisdiction over State subjects and other suzerain rights in cantonment areas.

An enquiry was made from the Political Department to ascertain as to what progress had been made in regard to them and when they were likely to be ready for discussion by the Standing Committee. The replies received from the Political Secretary in regard to the two points referred to above respectively are quoted below:-

Re: (1).- "So far as the Government of India are aware, there is no restriction in this connection which is contrary to any treaty or agreement with Indian States. In the circumstances no useful purpose appears likely to be served by the discussion of this subject."

Re:(2).- "This question arose from complaints by the Indore, Palanpur, Sirohi and Baroda Darbars. The complaints were carefully examined at the time and, as they disclosed no breach of any treaty, no further action was taken. The individual complaints in question are now practically all out of date."

In order that the subject may profitably be pursued further, it is necessary to find out in regard to (1) if what the Political Department now say applies with special reference to the Treaty or Agreement subsisting between Your Highness' State and the Government of India, and with respect to (2) whether Your Highness' Government can give any concrete instances of the breach of Treaty in this connection. I shall therefore request Your Highness to be so good as to order that the requisite information in a concise form

is supplied to my Secretary in regard to the two points.

Hoping this finds Your Highness in the enjoyment of excellent health,

Yours sincerely,

UDAIBHAN SINGH,

Maharaj-Rana of Dholpur,
Chancellor, Chamber of Princes.

To

The Secretary to
His Highness the Chancellor
of the Chamber of Princes,
Commerce House,
New Delhi.

Sir,

With reference to the circular letter No. 10 dated 11th May 1936 of His Highness the Chancellor of Princes asking for information about the instances, if any, of breaches of the Mysore Treaty in respect of restrictions on the manufacture and export of salt by the State and refusal of Civil and Criminal Jurisdiction over State subjects in Cantonment areas, I am directed to state as follows:-

(1) There has been no instance of breach of Article 17 of the Treaty. (extract of Art. 17 is enclosed).

(2) There is no Cantonment area as such in this State. The Civil and Military Station, Bangalore, is an area which His Highness has assigned " free of charge to the exclusive management of the British Government," under Article 8 of the Treaty and in which " His Highness has renounced the exercise of all jurisdiction". There has been no instance of breach of Article 8 of the Treaty. (extract of Article 8 is enclosed).

I have etc.,

Chief Secy. to Govt.